

23-2156

IN THE
United States Court of Appeals
for the Fourth Circuit

Richmond, Virginia

| | | |
|-------------------------------------|---|--------------------------|
| ANDREW U. D. STRAW, |) | |
| <i>Appellant-Plaintiff, Pro Se,</i> |) | |
| |) | |
| v. |) | |
| |) | CAMP LEJEUNE JUSTICE ACT |
| UNITED STATES, |) | |
| Appellee-Defendant. |) | ORAL ARG. NOT REQUESTED |

Appeal from the United States District Court for
the Eastern District of North Carolina, Southern Division
Case No. 7:23-cv-00162-BO-BM
The Honorable Judge Terrence W. Boyle

MOTION FOR RELIEF UNDER 28 U.S.C. § 2201



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SERVICE BY EMAIL (ENOTICE) PREFERRED

I, *Appellant* Andrew U. D. Straw, make this MOTION for a declaration of law:

1. Like with the other approximately 1,500 lawsuits pending below, mine is a real controversy given I meet the conditions for relief under CLJA. I was there enough time both *in utero* and as a baby and I got sick and my mother died.
2. I asked for an injunction that is the subject of this appeal to provide a loan to protect me while this matter is pending so I can have health care to mitigate damage.
3. This matter is an active controversy with my request for rehearing and rehearing *en banc*.
4. The Fourth Circuit is covered by 28 U.S.C. § 2201 since it is a “Court of the United States,” like the Court below. 28 U.S.C. § 451
5. Instead of asking to overturn the denial of my motion for declaratory judgment at Dkt. [57-4](#) below, I think it makes just as much sense to ask this Court to exercise its powers under 28 U.S.C. § 2201 to make its own, *sua sponte* declaration of law.
6. I incorporate by reference my motion below at Dkt. [57-4](#) as it provides the meat of the matter.
7. My former employer, the Indiana Supreme Court, suspended me without good cause in 2017. *In re Straw*, [68 N.E.3d 1070](#) (Ind. 2/14/2017) (certiorari denied)
8. I know it was without good cause because a 5-judge panel of the Virginia State Bar called this attack on me “**a drive-by shooting**” and that I had proven that I

did not deserve any reciprocal sanction whatsoever using the standard “**clear and convincing evidence**” level of proof used in attorney discipline cases.

9. See Dkt. [49-2](#) below for the VSB ORDER.
10. Moreover, I asked a national expert on property to evaluate my suspension and the value of my 5 law licenses. He stated that my disability rights work was spot on and that it was the 4 federal judges in my cases who erred, 4x. *Straw v. LinkedIn*, 5:22-cv-7718-EJD (N.D. Cal. 2023) (Dkt. [22-22](#)).
11. Those federal courts in the Midwest who erred in the first place against me and my disability rights arguments as a disabled lawyer then suspended me reciprocally without any hearing even when I demanded federal hearings before having my federal law licenses suspended. The 7th Circuit, inventing a rule out of thin air, said I did not need or deserve any federal hearing whatsoever. *Straw v. U.S. District Court*, 17-2523 (7th Cir. 2017). The 7th Circuit also said I had no right to resign those licenses even if I was offended by how the courts treated me. *Straw v. U.S. District Court*, 18-2192 (7th Cir. 2018).
12. When I sued the Indiana Supreme Court and a variety of officers to stop the attack, Indiana suspended me with the federal lawsuit still open, then the federal court dismissed my case days later. Despite the actual suspension never having had any review at that point, the 7th Circuit said challenging it was subject to *res judicata* and so I lost. The 7th Circuit not only denied me, but hired one of my appellees (the Indiana hearing officer) with my appeal against

him still open, then punished me for objecting to this. *Straw v. Indiana Supreme Court, et. al.*, 17-1338, 692 F. App'x 291 (7th Cir.).

13. When you look at the misbehavior of these judges, it is not me who deserves punishment.

14. No Court anywhere in the United States would assist me except the Virginia State Bar, which ridiculed Indiana's attack and rejected it outright. (Dkt. [49-2](#)).

15. This caused so much damage to me, having 5 law licenses suspended without good cause, and in fact contrary to the clear evidence that VSB considered.

16. It took me extremely hard work from the age of 12 forwards, decades, to become a lawyer. Nobody in my family has become a lawyer, no ancestor I am aware of. I had an "A" average from Grade 7 through Grade 12, earned National Merit Scholar status, then earned undergraduate and graduate degrees, then earned a law degree from Indiana University in Bloomington. I was the dean's research assistant. This while having been poisoned where I was born and suffering latent illness without knowing why. By 2017, I was admitted to practice law at the state level in Indiana and Virginia, 4 federal district courts in the Midwest (WIWD, ILND, INND, INSD), and the Fourth Circuit. I had licenses either state or federal that covered 8 states. (SC/NC/VA/WV/MD/IN/IL/WI). I took the oath 7 times.

17. The actions of two chief justices of Indiana made all that decades of effort come crashing down. Chief Justice Randall Shepard, who hired me to serve over 400

state courts (*Straw v. LinkedIn*, Dkt. [22-44](#)), fired me in 2002 without good cause after a reckless driver broke both my legs, pelvis, ribs, and face on the way to his Court to work. Then Chief Justice Loretta Rush in 2017 took away my Indiana state license without good cause, ruined 4 federal Midwest law licenses, and infected my Virginia law license so that I needed to resign it in poverty because insurance would not cover me because of her ORDER.

18. It's amazing to me after that amount of work these two people (lawyers appointed by governors, basically) destroyed, other courts are not doing more to help me.

19. **I have been asking but not receiving.** Matthew 7:7.

20. Indiana's chief justice expanded a fixed 180-day suspension time to an indefinite length of time with no additional reasons and directed the Clerk of Court in Indiana to merely accept my documents, not file them, and thus any objections I made to the extension of suspension to indefinite were simply to a court closed to me. This happens entirely too much in American courts, the shutting of the doors of justice. Because I honor my association with that Court, I paid the costs in 2021 out of my Biden stimulus payment.

21. When I tried to get [Takings compensation](#) for these 5 law licenses, again, other courts across the nation all came back with the same refrain that they cannot review what another court does. This is not true and they know it.

22. Other courts were willing to impose that suspension in a robotic fashion and cited to it freely using what I call "**judicial gossip**" (collateral mentions without

any ability to stop it on my part). However, only VSB's 5-judge panel had the guts as a judicial body to say the truth about this abusive Indiana discipline.

23. Unlike the other 4 federal district courts that suspended me, the Fourth Circuit chose not even to conduct a hearing after I explained what Indiana had done and **Virginia's rejection of it** just a short time later in 2017.

24. This Court has reciprocal suspension rules like other courts, but did not see fit to impose that process on me. I was spared this for good reason.

25. I have remained Active in Good Standing before this Court since I received the law license in 1999.

26. Because of Indiana's suspension, attorney insurance companies would not cover me, even in Virginia where I was **never sanctioned**. This is how Indiana made my Virginia law license dry up on the vine and die. I resigned the license rather than go through the humiliation of being unable to pay my annual dues and be stripped of the Virginia law license as a disabled lawyer in poverty because I won't do work without malpractice insurance, not after how I was attacked when I had it. *Straw v. Aon*, 2:19-cv-598 (D.UT 11/7/2019) (Settled)

REQUEST FOR DECLARATION

27. I ask this Court to make a short set of declarations of law given the above facts and with Dkt. [57-4](#) below in mind.

28. I ask this Court to state the following as declarations of law and holdings of law:

- a. VSB exonerated Andrew U. D. Straw in 2017 and a national property expert expressed under oath the same view that Straw didn't do anything wrong in pushing hard for disability rights and simply losing without any Rule 11 process. The Fourth Circuit therefore holds that VSB's ORDER was last in time final and thus has *res judicata* effect everywhere else, including this Court and lower ones. 28 U.S.C. § 1738.
- b. The Court declares further that Straw was not legally sanctioned for any crime or dishonest act, even on the face of the Indiana suspension ORDER. That Indiana ORDER wholly failed to consider any mitigating fact and conducted no such analysis at all, violating due process.
- c. Straw was not threatened with contempt or anything of that kind. He had **no Rule 11 proceeding** in any of these 4 federal cases Indiana cited.
- d. The Court declares that the reciprocal federal court sanctions were based on a faulty Indiana state suspension by Straw's former employer that when closely examined, another state rejected that suspension wholly and completely. VSB's ORDER acts as a kind of appellate review Straw had nowhere else.
- e. The Fourth Circuit did not impose any reciprocal sanction and with VSB's *res judicata* ORDER in 2017, this was the right choice.
- f. To have a former employer attack a disabled lawyer and then have another state say that he did not do anything to deserve even the smallest of sanctions, and that he proved this to a level of "clear and

convincing evidence” surely wrecks that lawyer’s reputation after 7 years of Indiana suspension.

- g. To have this happen with reference to the very same mental illnesses at issue in this CLJA case is disconcerting.
- h. State courts have discriminated based on disability from time immemorial. *Tennessee v. Lane*, 541 U.S. 509, 511, 525, 531 (2004)
- i. No Court in the Fourth Circuit shall henceforth refer to the Indiana suspension or any reciprocal suspension of Andrew U. D. Straw without mentioning that the Virginia State Bar order exonerated him on the same exact topic, the same facts. This is not optional. Any reference to it shall include notice that the Indiana suspension must be considered as having been overturned in the Fourth Circuit by the VSB panel.
- j. The Court declares that Straw’s Camp LeJeune mental illnesses (See Dkts. [9-1](#) and [55](#) below) were at the heart of the Indiana suspension, as one can see in the disciplinary complaint by the ADA coordinator in direct response to Straw’s 2014 ADA petition. *Straw v. LinkedIn*, Dkts. [22-5](#) & [22-6](#) (p. 2).
- k. The ABA wrongly relied on the false Indiana suspension to end Straw’s ABA membership. *Straw v. ABA*, 18-1795 (7th Cir. 2018) (settled). However, just a few months earlier, the ABA honored Straw as a disabled lawyer and an **asset to the profession** in its January 2014 Disabled Lawyer Spotlight of him. *Straw v. LinkedIn*, Dkt. [22-39](#). This

just shows that a declaration of law is needed not just by federal courts in the Fourth Circuit, but other entities as well that can be misled by Indiana and the federal courts that followed Indiana blindly and stripped Straw of his absolute right to a hearing before losing law licenses.

29. In essence I ask this Court to direct DOJ and the Court below to accept that **my suspension in Indiana was not valid** and Virginia's exoneration has *res judicata* status in the 4th Circuit.

30. No more character assassination of me should be allowed, especially in my Camp LeJeune Justice Act case to **right all the wrongs from my poisoning**, including the effects of my mental illnesses on my law career and reputation.

WHEREFORE, please exercise the discretion provided in 28 U.S.C. § 2201 and make the above declarations of law and orders to ensure they are given effect.

I, Andrew U. D. Straw, verify that the statements above are true and correct on penalty of perjury.

Signed this 12th day of February, 2024.



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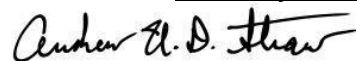
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CERTIFICATE OF SERVICE

I, Andrew U. D. Straw, hereby certify that on the date set forth below, I electronically filed the foregoing **NOTICE** with the Clerk of Court using the CM/ECF system, which will serve the attached on all counsel of record.

Since [Dkt. 19](#), the appellee has had actual notice of this appeal but is choosing not to appear by counsel.

Dated this 12th day of February, 2024



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